IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION NO : 6088 of 2004

Between:

P.Satyanarayana, S/o Venkatachalam,
R/o Paidipally, Hanamkonda Mandal, Warangal District.

..... PETITIONER

AND

1. The Secretary and Correspondent,
Dr. V. Malleshwar Memorial Saraswathi Aided High School,
Kareemabad, Warangal.
2. The District Educational Officer, Warangal.
3. The Regional Joint Director of School Education, Warangal.
4. The Commissioner & Director of School Education, A.P., Hyderabad.
5. Government of Andhra Pradesh, represented by its Secretary,
Education Department, Secretariat, Hyderabad.
6. K.Sridevi, D/o Laxminarasimha Chary,
C/o The Secretary, Dr.P.Malleswar Memorial Saraswathi Aided High School, Kareemabad, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed therein the High Court will be pleased to issue a writ, order or direction more in the nature of Writ of Mandamus declaring that the petitioner is entitled to be given appointment as Craft Instructor in Dr.P.Malleswar Memorial Aided Saraswathi High School, Kareemabad, Warangal, pursuant to the Notification dated 17-05-2003 in preference to the 6th respondent who does not possess the requisite qualifications for the said post with all consequential benefits by holding the action of the respondents in seeking to fill up the said post of Craft Instructor by the 6th respondent under the garb that she is at Sl.No.1 in the select list even though she does not possess the requisite qualifications for the post of Craft Instructor is as illegal, arbitrary, unjust and violative of Articles 14 and 21 of the Constitution besides being opposed to all mandatory principles of equity justice and fair play.

Counsel for the Petitioner: MR. D. LINGA RAO

Counsel for the Respondent Nos.1 &6: MR. S. LAKSHMA REDDY

Counsel for the Respondent Nos.2 to 5: GP for SCHOOL EDUCATION

The Court made the following:

ORDER:

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Heard the learned counsel for petitioner and the learned counsel for Respondents.

Petitioner seeks a Writ of Mandamus to declare that he is entitled for consideration for appointment to the post of Craft Instructor in first respondent School pursuant to the notification dated 17.5.2003, in preference to the sixth respondent, who does not possess the requisite qualifications for the said post and also seeks a direction to the respondents not to consider the case of the sixth respondent for the said post.

The main contention of the learned counsel appearing for the petitioner is that as per the notification dated 17-05-2003, the qualifications for the post of Crafts Instructor, which is meant for O.C. General category, is that one should have passed 10^{th} class and I.T.I/Technical Teacher Certificate (TTC). It is stated that since the sixth respondent has passed only S.S.C. and I.T.I. in tailoring and embroidery, and she did not possess the requisite qualification, she is not entitled for appointment to the post Craft Instructor. It is further stated that SSC is not equivalent to 10^{th} class.

The first respondent in his counter-affidavit stated that the requisite qualification for the post of Craft Instructor is one must have passed
10^{th} Class and I.T.I. or Technical Teacher Certificate. It is stated that the sixth respondent has possessed 10^{th} class and ITI certificate (Tailoring and Embroidery) and secured first rank in the oral and written tests, and as such she was given appointment order on 27-08-2003.

The sixth respondent also filed a counter affidavit stating that the requisite qualifications for the post of Craft Instructor is 10^{th} class and a certificate in ITI or TTC and that she possess the requisite qualifications and secured first rank in written and oral test, therefore, she was given order of appointment.

The learned counsel for petitioner submits that the very issuance of notification prescribing such qualifications is contrary to the orders in G.O.Ms.No.538 Education Department, dated 20-11-1998 and therefore, notification itself is illegal and bad. But, the petitioner has not questioned the issuance of such notification and the case of the petitioner is that he alone is entitled to be considered, but not the

sixth respondent. In the absence of challenging the validity of the said notification, the petitioner is not entitled for any relief in this writ petition. However, the issue raised in this W.P. is also covered by the order passed in W.P.No.18446 of 2003 dated 27.1.2004.

Having regard to the facts and circumstances of the case, when admittedly, the sixth respondent stood first in the selection process and secured more number of marks and, therefore, she was selected. The petitioner has not questioned with regard to the process of selection and the competence of the sixth respondent. Therefore, I do not see any merit in this writ petition warranting interference under Article 226 of the Constitution of India.

Therefore, the writ petition is accordingly, dismissed. No costs.

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V. ESWARAIAH, J

Glv/DA

ASSISTANT REGISTRAR

Copy to:

1. The Secretary and Correspondent,
Dr. V. Malleshwar Memorial Saraswathi Aided High School,
Kareemabad, Warangal.
2. The District Educational Officer, Warangal.
3. The Regional Joint Director of School Education, Warangal.
4. The Commissioner & Director of School Education, A.P., Hyderabad.
5. The Secretary, Government of Andhra Pradesh, ,
Education Department, Secretariat, Hyderabad.
6. Two C Cs to the Government Pleader for School Education,
High Court Buildings, Hyderabad. (O.U.T)

7. Two C D copies.